

AMENDED IN SENATE APRIL 24, 2014
AMENDED IN SENATE MARCH 12, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Chesbro

February 20, 2013

An act to amend Sections 1729 and 8405.4 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL’S DIGEST

AB 504, as amended, Chesbro. Fish: sea cucumbers: transgenic fish.

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate those hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries.

Under existing law, the Trout and Steelhead Conservation and Management Planning Act of 1979, the department is required to give priority to stocking native hatchery-produced species in California waters where stocking is determined to be appropriate by the department.

This bill would prohibit hatchery production and stocking of transgenic fish in California waters and would define “transgenic” for these purposes. A violation of the Fish and Game Code is generally a misdemeanor. Because the bill would create new crimes, the bill would impose a state-mandated local program.

(2) Existing law governs the sea cucumber fishery in this state. Under existing law, sea cucumbers cannot be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued by the department. The commission is authorized to adopt regulations that it determines may reasonably be necessary to protect the sea cucumber resource and assure a sustainable sea cucumber fishery or to enhance enforcement activities. A violation of ~~existing law~~ *these provisions* or regulations adopted pursuant to those provisions is a crime. Existing law provides that those provisions shall become inoperative on April 1, 2015, and, as of January 1, 2016, are repealed.

This bill would extend the operation of those provisions until April 1, ~~2017~~, 2020, and would repeal those provisions on January 1, ~~2018~~, 2021. Because this bill would extend the operation of the sea cucumber permit program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1729 of the Fish and Game Code is
2 amended to read:
3 1729. (a) (1) The department shall give priority to stocking
4 native hatchery-produced species in California's waters, where
5 stocking is determined to be appropriate by the department.
6 Stocking of hatchery-produced fish is not appropriate in all of
7 California's waters, including, but not limited to, stocking in
8 California's waters that would adversely affect species listed under
9 the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531
10 et seq.) or the California Endangered Species Act (Chapter 1.5
11 (commencing with Section 2050) of Division 3).
12 (2) Hatchery production and stocking of transgenic fish in
13 California waters is prohibited.

1 (b) Hatchery-produced trout shall be stocked to support
2 sustainable angling recreation and promote angler access to trout
3 fishing, including, but not limited to, urban fisheries.

4 (c) The department may provide outreach and educational
5 materials to all anglers to promote awareness of environmental
6 sustainability, ecosystem health, fish genetics, angling
7 opportunities, and fish population management.

8 (d) Educational programs utilizing the hatcheries shall be
9 encouraged.

10 (e) The department shall ensure that all trout stocked in waters
11 of the state for recreational purposes are unable to reproduce
12 through triploidy or other means, with the exception of fish planted
13 into brood stock lakes, surplus brood stock planted according to
14 fishery management decisions, fish planted to supplement waters
15 that the department has determined to be genetically isolated from
16 native fish populations, and native trout species produced for
17 recovery and restoration within their native range.

18 (f) The department may develop, conduct, and respond to regular
19 angler preference and satisfaction surveys. This is not a substitute
20 for a preferred scientific data collection and monitoring program
21 that would facilitate adaptive management of California's inland
22 trout fisheries.

23 (g) The department shall review angling regulations periodically
24 and adjust those regulations to ensure consistency with the strategic
25 plan described in Section 1728.

26 (h) As used in this section, "transgenic" has the same meaning
27 as in Section 1.92 of Title 14 of the California Code of Regulations,
28 as that section read on May 14, 2003.

29 SEC. 2. Section 8405.4 of the Fish and Game Code is amended
30 to read:

31 8405.4. This article shall become inoperative on April 1, ~~2017,~~
32 ~~2020,~~ and as of January 1, ~~2018; 2021,~~ is repealed, unless a later
33 enacted statute that is enacted before January 1, ~~2018; 2021,~~ deletes
34 or extends the dates on which it becomes inoperative and is
35 repealed.

36 SEC. 3. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

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